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09/649,864	08/28/2000	Joseph J. Knudsen	USW 1730 PUS	7398

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EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/18/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/649,864

Applicant(s)

KNUDSEN ET AL.

Examiner

Chad Zhong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**FINAL ACTION**

1. This action is responsive to communications: Amendment, filed on 03/22/2004. This action has been made final.
2. Claims 1-20 are presented for examination. In amendment A, filed on 03/22/2004:  
claims 1, 6, 11, 12 and 15-17 are amended.  
claims 19 and 20 have been added.
4. The drawings are objected to because, there is no where in the drawing that item "42" exists on any of the figure entry (pg 9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7, 9, 10 are rejected under 35 U.S.C. as being unpatentable over Babula et al. (hereinafter Babula), US 2002/0004798, in view of Thompson et al. (hereinafter Thompson), US 6,529,743.

7. As per claim 1, Babula teaches the invention substantially as claimed wherein a system for verifying modem status for a telecommunications service provider in a broadband network serviced by a central office, the system comprising:

an internet interface for receiving a modem status request from the telecommunications service provider via a telecommunications network (pg 3, [0031], lines 13-15, [0032], lines 20-28; pg 5, [0045],

[0047], [0048]);

an integrator capable of retrieving subscriber information (pg 4, [0038], lines 8-27; pg 5, [0051], lines 6-25); and

a server connected to said internet interface for receiving said modem status request and transmitting said modem status request to said integrator whereby said integrator interprets said device status request and retrieves corresponding subscriber information and transmits said corresponding subscriber information to said server, said server thereby converting said corresponding subscriber information to a central office request and sending said central office request to said central office, said central office responding to said request and transmitting a status signal to said server (pg 5, [0046], lines 5-13, [0045], [0047], [0048]; pg 7, [0056], lines 15-41; pg 14, claims 1-5).

8. Babula does not teach said server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider.

9. Thompson teaches said server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50; Col. 10, lines 30-54).

10. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Thompson because they both dealing with monitoring status of remote modem. Furthermore, the teaching of Thompson to allow server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider would alleviate the burden of standardization of hardware for Babula's system by automatically convert signal to the appropriate type.

11. As per claim 2, Babula teaches the system of claim 1 wherein said internet interface is a web

server having an internet web site resident therein containing a list of telecommunications service provider customers (pg 7, [0056], lines 15-41).

12. As per claim 3, Babula teaches the system of claim 2 wherein said device status request is a designation of a customer from said list of telecommunications service provider customers (pg 7, [0056], lines 15-41; pg 8, [0060], lines 1-13).

13. As per claim 4, Babula teaches the system of claim 3 wherein said device status request is a telecommunications service provider customer telephone number (pg 8, [0060], lines 1-13).

14. As per claim 5, Babula teaches the system of claim 4 wherein said subscriber information is customer node and port records (pg 5, [0048], lines 9-11; pg 9, [0067], lines 15-32; pg 10, [0075] ).

15. As per claim 7, Babula teaches the system of claim 1 wherein said readable format for said telecommunications service provider is a web site interface (pg 7, [0056], lines 15-41).

16. As per claim 9, Babula teaches the system of claim 1 wherein said status signal is provided to said telecommunications service provider in real-time (pg 11, [0084], line 19-23).

17. As per claim 10, Babula teaches wherein said server is capable of receiving multiple status requests (pg 14, claim 11).

18. Claims 6, 8, 11, 12, 13-16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babula et al. (hereinafter Babula), US 2002/0004798, in view of Thompson et al. (hereinafter Thompson), US 6,529,743, in view of Yim et al. (hereinafter Yim), US 6,580,727.

19. As per claim 6, Babula and Thompson does not teach wherein central office includes a Digital

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Subscriber Line Access Multiplexer (DSLAM) and said central office request is a Simple Network Management Protocol (SNMP) request corresponding to the DSLAM.

20. Yim teaches wherein central office includes a DSLAM and said central office request is a SNMP request corresponding to the DSLAM (Col. 6, lines 6-14).

21. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula, Thompson and Yim because they all deal with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow wherein central office includes a DSLAM and said central office request is a SNMP request corresponding to the DSLAM would improve the scalability and usability for Babula and Thompson's system by extending the field of monitoring to include DSL modems on network LANs.

22. As per claim 8, Babula and Thompson does not teach wherein said status signal includes a status from a list of connected, not connected or connecting.

23. Yim teaches wherein said status signal includes a status from a list of connected, not connected or connecting (Col. 11, lines 26-36).

24. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula, Thompson and Yim because they all deal with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow wherein said status signal includes a status from a list of connected, not connected or connecting would improve the monitoring capability for Babula and Thompson's system by extending the field of monitoring to include DSL modems statuses on network LANs.

25. As per claim 11, Babula teaches the invention substantially as claimed wherein a system for

verifying modem status for an internet service provider in a digital broadband network serviced by a central office, the system comprising:

a web server having an internet website interface for receiving a modem status request from the internet service provider via the internet (pg 7, [0056], lines 15-41; pg 5, [0045], [0047], [0048]);

an integrator capable of retrieving subscriber location information (pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27);

a status server connected to said web server for receiving said modem status request (pg 14, claim 2) and transmitting said request to said integrator whereby said integrator interprets said modem status request and retrieves corresponding subscriber location information and transmits said corresponding subscriber information to said status server (pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27), said status server thereby converts said corresponding subscriber information to a central office (pg 5, [0044], lines 18-20; pg 5, [0045], [0047], [0048]).

26. Babula does not explicitly teach said status server transmits said signal to said web server converts said signal to a readable format on said internet website interface for viewing by said internet service provider.

27. Thompson teaches said server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50; Col. 10, lines 30-54).

28. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Thompson because they both dealing with monitoring status of remote modems. Furthermore, the teaching of Thompson to allow server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications

service provider would alleviate the burden of standardization of hardware for Babula's system by automatically convert signal to the appropriate type.

29. Babula and Thompson does not teach a central office Digital Subscriber Line Access Multiplexer (DSLAM) request and sends said central office DSLAM request to said central office DSLAM, said central office DSLAM responds to said request and transmits a status signal to said status server and said status server transmits said signal to said status server.

30. Yim teaches a central office DSLAM request and sends said central office DSLAM request to said central office DSLAM (Col. 1, lines 54-65; Col. 6, lines 6-14; Col. 8, lines 10-57), said central office DSLAM responds to said request and transmits a status signal to said status server and said status server transmits said signal to said status server (Col. 8, lines 10-57; Col. 9, lines 11-20; Col. 11, lines 49-57).

31. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula, Thompson and Yim because they all deals with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow a central office DSLAM request and sends said central office DSLAM request to said central office said central office DSLAM responds to said request and transmits a status signal to said status server and said status server transmits said signal to said status server would improve the monitoring capability for Babula and Thompson's systems by extending the field of monitoring to include DSL modems statuses on network LANs.

32. As per claim 12, Babula teaches the invention substantially as claimed wherein a method for verifying modem status for an telecommunications service provider in a communications network serviced by a central office, the method comprising:

connecting to an internet interface (pg 7, [0056], lines 15-41);



transmitting a modem status request from the telecommunications service provider to the internet interface (pg 2, [0031], lines 13-15, [0032], lines 20-28; pg 7, [0056], lines 15-41; pg 5, [0045]-[0048]);

transferring said modem status request from the internet interface to a server (pg 14, claim 2; pg 5, [0047]-[0048]);

transmitting said modem status request from said server to an integrator whereby said integrator interprets said modem status request and retrieves corresponding subscriber information (pg 6, [0051], lines 6-25; pg 4, [0038], lines 8-27);

transmitting said corresponding subscriber information to said server (pg 6, [0051], lines 6-25);

converting, at the server, said corresponding subscriber information to a central office request (pg 5, [0044], lines 18-20);

sending said central office request to said central office (pg 6, [0051], lines 6-25);

transmitting said status signal from said server to said internet interface (pg 7, [0056], lines 15-41).

33. Babula does not teach converting said status signal to a readable format for said telecommunications service provider.

34. Thompson teaches said server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider (Col. 4, lines 41-50; Col. 10, lines 30-54).

35. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Thompson because they both dealing with monitoring status of

remote devices. Furthermore, the teaching of Thompson to allow server transmitting said signal to said internet interface which converts said status signal to a readable format for said telecommunications service provider would alleviate the burden of standardization of hardware for Babula's system by automatically convert signal to the appropriate type.

36. Babula does not teach querying, from the central office, a modem status of a customer and creating a status signal; and transmitting said status signal to said server.

37. Yim teaches querying, from the central office, a modem status of a customer and creating a status signal; and transmitting said status signal to said server (Col. 8, lines 10-57; Col. 9, lines 11-20; Col. 11, lines 49-57).

38. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow querying modem status of a customer and creating a status signal and transmitting said status signal to said server would improve the monitoring capability for Babula's system by extending the field of monitoring to include DSL modems statuses on network LANs.

39. As per claim 13, Babula teaches the method of claim 12 wherein connecting to said internet interface further comprises connecting to a web server having an internet web site resident therein containing a list of telecommunications service provider customers (pg 7, [0056], lines 15-41).

40. As per claim 14, Babula teaches the method of claim 13 wherein transmitting said modem status request further comprises designating of a customer from said list of telecommunications service provider customers (pg 7, [0056], lines 15-41).

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41. As per claim 15, Babula does not teach the method of claim 12 wherein converting said corresponding subscriber information to the central office request further comprises converting said corresponding subscriber information to a SNMP request corresponding to a DSLAM located at the central office.

42. Yim teaches wherein converting said corresponding subscriber information to a central office request further comprises converting said corresponding subscriber information to a SNMP request corresponding to a DSLAM located at the central office (Col. 6, lines 6-14; Col. 8, lines 10-57).

43. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Babula and Yim because they both dealing with monitoring remote devices in a network system. Furthermore, the teaching of Yim to allow wherein converting said corresponding subscriber information to a central office request further comprises converting said corresponding subscriber information to a SNMP request corresponding to a DSLAM located at the central office improve the monitoring capability for Babula's system by extending the field of monitoring to include DSL modems statuses on network LANs.

44. As per claim 16, Babula teaches wherein converting said status signal to the readable format for said telecommunications service provider further comprises converting the status signal to a web site interface screen indicating a status in real time (pg 11, [0084], line 19-23).

45. As per claim 17, claim 17 is rejected for the same reason as the rejection to claims 11 and 12 above.

46. As per claim 18, claim 18 is rejected for the same reason as the rejection to claim 16 above.

47. As per claim 19, Babula teaches the system of claim 1, wherein the telecommunications service

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provider is an Internet Service Provider (ISP) (pg 5, [0047] – [0048]).

48. As per claim 20, Babula teaches the system of claim 12 wherein the telecommunications service provider is an Internet Service Provider (ISP) (pg 5, [0047] – [0048]).

### *Conclusion*

49. Applicant's remarks filed 3/22/04 have been considered but are found not persuasive

50. In the remark, the applicant argued in substance that Babula fails to disclose or suggest modem status request signals, and that Babula is concerned with remotely monitoring the status of medical devices.

In response to applicant's amendment that Babula does not teach the above limitation.

Referring to sections (pg 5, [0046], lines 5-13, [0045], [0047], [0048]; pg 7, [0056], lines 15-41; pg 14, claims 1-5) of Babula, Babula clearly teaches the modem status request signal as well as modem monitoring tasks done by the administrator. Thus Babula does teach the remote monitoring of modem statuses in addition to monitoring of medical devices.

**THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

51. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect "Method and System for Verifying Modem Status".

- i. US 2003/0208758 Schein et al.
- ii. US 6,522,668 Singleton et al.
- iii. US 2003/0208614 Wilkes.
- iv. US 6,430,275 Voit et al.
- v. US 6,501,849 Gupta et al.
- vi. US 6,374,102 Brachman et al
- vii. US 6,292,481 Voit et al.
- viii. US 6,480,748 Gerszberg et al.
- ix. US 6,463,552 Jibbe.
- x. "Midrange Systems: SCSI modem (Central Data Corp's scsiModem Server)(Product Announcement)(Brief Article):" 12 January, 1996.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee A John can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

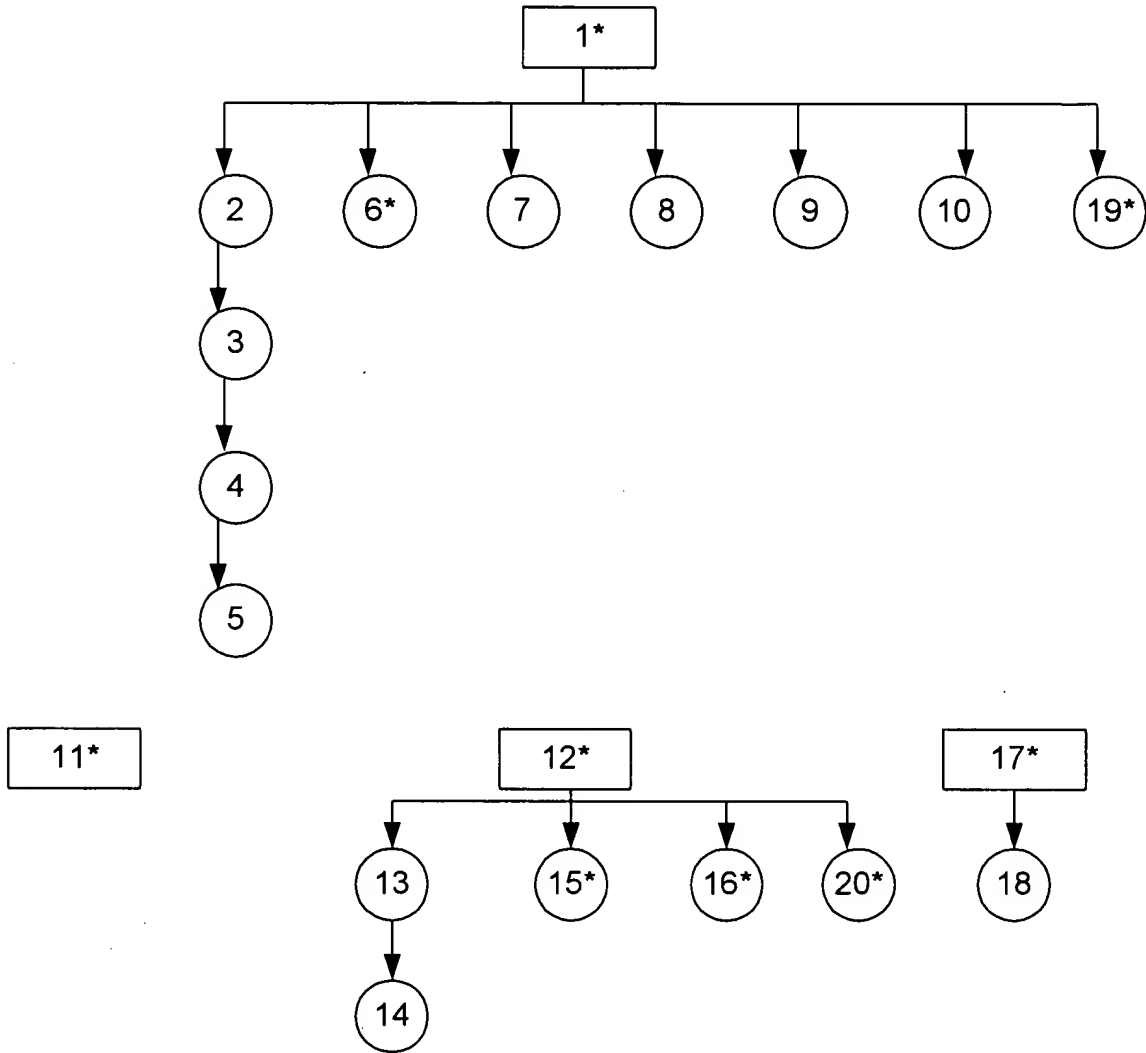
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ  
April 28, 2004

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

**Method and System for Verifying Modem Status**  
**09-649864 <Amendment A>**



\* = amended or added